

STATUS OF THE CLAIMS

Claims 1-31 are pending herein, claims 1 and 21 being the independent claims. Claims 24-29 were previously withdrawn pursuant to a restriction requirement. Applicants hereby cancel claim 30 and amend claim 1. Support for the amendments to claim 1 and 21 is provided, *inter alia*, in the specification in paragraphs [0026] and [0037]. Applicants state that there is no issue of new matter.

Rejection under 35 U.S.C. §102(b) or §103(a) – Weikel et al. in view of Trieu

Claims 1-9, 11-14, 16, 18, and 19 are rejected under 35 U.S.C. 102(b) as anticipated by, or in the alternative, under 35 U.S.C. 103(a) as obvious over Weikel et al. (U.S. Patent No. 6,632,235) in view of Trieu (U.S. Appln. Pub. No. 2004/0186471).

In response, Applicants respectfully traverse the rejections over Weikel et al. Applicants submit that the amendment of independent claims 1 and 21, upon which the remainder of the rejections depend, has rendered the rejection moot.

Further, the undersigned attorney confirms the telephonic conferences with Examiner Dowe on December 8, 2009 and January 20, 2010 during which certain amendments to the claims were discussed for overcoming the prior art of record.

Applicants respectfully state that the amendments to the claims made in this Supplemental Amendment overcome the prior art of record and request that the Examiner issue a Notice of Allowance at the earliest opportunity.

Rejection under 35 U.S.C. §102(b) or §103(a) – Weikel et al. in view of Trieu in view of Spacek

Claim 10 is rejected under 35 U.S.C. §103(a) as obvious over Weikel et al. (U.S. Patent No. 6,632,235) in view of Trieu (U.S. Appln. Pub. No. 2004/0186471) as applied to Claim 1 and further in view of Spacek (U.S. Patent No. 6,524,327).

In response, Applicants respectfully traverse the rejections over Weikel et al. Applicants submit that the amendment of independent claim 1, upon which rejected 10 depends, has rendered the rejection moot.

Further, the undersigned attorney confirms the telephonic conferences with Examiner

Serial No.: 10/801,231
Examiner: Katherine Marie Dowe
Group Art Unit: 3734

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Applicants respectfully state that the amendments to the claims made in this Supplemental Amendment overcome the prior art of record and request that the Examiner issue a Notice of Allowance at the earliest opportunity.

Rejection under 35 U.S.C. §102(b) or §103(a) – Weikel et al. in view of Trieu in view of Schwarz

Claims 15, 17, 20-23 are rejected under 35 U.S.C. §103(a) as obvious over Weikel et al. (U.S. Patent No. 6,632,235) in view of Trieu (U.S. Appln. Pub. No. 2004/0186471) as applied to Claim 1 and in view of Schwarz (U.S. Appln. Pub. No. 2005/0008610).

In response, Applicants respectfully traverse the rejections over Weikel et al. Applicants submit that the amendment of independent claims 1 and 21, upon which the remainder of the rejections depend, has rendered the rejection moot.

Further, the undersigned attorney confirms the telephonic conferences with Examiner Dowe on December 8, 2009 and January 20, 2010 during which certain amendments to the claims were discussed for overcoming the prior art of record.

Applicants respectfully state that the amendments to the claims made in this Supplemental Amendment overcome the prior art of record and request that the Examiner issue a Notice of Allowance at the earliest opportunity.

CONCLUSION

Serial No.: 10/801,231
Examiner: Katherine Marie Dowe
Group Art Unit: 3734

In view of the above, Applicant submits that all pending claims are in condition for allowance. If the Examiner believes there are still unresolved issues, a telephone call to the undersigned would be welcomed.

Dated: February 3, 2010

Respectfully submitted,

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